IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.73107-M of 2006
Date of Decision:- 29.1.2007

Balihar Singh ....Petitioner(s)

through
Mr.J.S.Bains, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Reply filed on behalf of the respondents in Court today is taken on record.

The petitioner, who is undergoing 10 years' rigorous imprisonment in a case under the N.D.P.S.Act, 1985, is aggrieved at the order dated 7.11.2005 (Annexure P-1) passed by the Director General of Police (Prisons), Punjab whereby he has been denied family parole on the ground that he may indulge in the selling of poppy husk and may also abscond.

It is an admitted case that the petitioner is in jail since 17.9.2004 and has not availed any kind of parole so far. There is no denial to the fact that the Panchayat of the village has recommended his case and that his family consisting of his wife and minor children are living in the village. Similarly, it is not the case of the respondents that the petitioner is a habitual offender or that except the case in which he has been convicted, any other case is registered or pending against him. It, thus, appears that there is no factual basis in the apprehension expressed by the Authorities.

That apart, several remedial measures can be taken to ensure that the petitioner does not misuse the concession of parole. He may be asked not only to furnish his own personal bonds, but also of some respectables of the Gram Panchayat of the village. He can also be directed to visit the police station concerned, at least twice a week.

Consequently, this petition is allowed to the extent that the impugned order dated 7.11.2005 (Annexure P-1) is quashed and the Additional Director General of Police (Prisons), Punjab is directed to reconsider the petitioner's case in the light of the observations made hereinabove within a period of two months from the date of receipt of certified copy of this order.

January 29, 2007 **(SURYA KANT)**
poonam **JUDGE**